

REMARKS

OF

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AT THE

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40<sup>TH</sup> CONFERENCE AND TRAINING INSTITUTE

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Thank you, Tim. I'm very glad to be here. Let me begin by congratulating the National Association of Pretrial Services Agencies on its 40 years of exceptional service to the pretrial release and pretrial diversion fields. It's remarkable to think that over the course of NAPSA's existence, pretrial services has grown from just a handful of local groups to more than 300 dedicated agencies across the country – and I think it's safe to say that much of that growth can be attributed to NAPSA's great work. Today, NAPSA has members from 44 states, D.C., and Puerto Rico, all working to expand the capacity of our pretrial services systems and make the pursuit of justice more equitable and fair for everyone.

I'm proud that the Department of Justice and my office – the Office of Justice Programs – have been part of this noble work. We've been there with you from the beginning, from Bobby Kennedy's National Conference on Bail and Criminal Justice in 1964 to the landmark federal Bail Reform Act, and from the creation of the first pretrial services agency here in Washington to the start-up of similar programs in jurisdictions throughout the nation. We supported the creation of the Pretrial Services Resource Center, which we all know now as the Pretrial Justice Institute, under the very capable direction of my former colleague, Tim Murray. And we worked closely with NAPSA during its early years. Over the last 40 years, we've supported NAPSA and its constituents with a number of technical assistance, research, and statistical programs, including a "Bail Guidelines" project, a "Supervised Pretrial Release" experiment, and an "Exemplary Pretrial Program" series where professionals could visit mentor sites.

Our work continues. In fact, it has been strengthened by the commitment and involvement of our Attorney General. Eric Holder is carrying forward Bobby Kennedy's legacy, working to make sure that – as Kennedy once put it – this is "more than a Department of Prosecution," but "in fact, the Department of Justice."

I had the privilege of joining the Attorney General at last year's Pretrial Justice Symposium, which signaled the Department's renewed commitment to helping improve the pretrial justice system. As many of you know, that historic event brought together justice leaders from around the nation to examine pretrial justice for the first time since Kennedy convened his conference on bail and criminal justice almost 50 years ago. It was a terrific symposium. There was a very thoughtful discussion of the shortcomings in pretrial decision-making and how we can overcome the challenges. We heard about a number of promising practices. And we ended with a game plan for moving the field forward.

In partnership with many in this room, we've made significant progress in the 15 months since then. We've issued a report that outlines recommendations for OJP, stakeholder groups, legislators, and the philanthropic and academic communities.

One of the recommendations was to convene a Pretrial Justice Working Group to advise the field on important pretrial issues. Under the guidance of Kim Ball in our Bureau of Justice Assistance, we've brought together a group of more than 30 multidisciplinary professionals and national experts. The full group and its three

subcommittees – devoted to research, the criminal justice system, and communications strategies – continue to meet regularly.

We've also assembled the National Pretrial Judicial Council, another symposium recommendation. This group is engaging judges on ways to move to a more evidence-based approach regarding pretrial release decisions.

We're continuing other work – begun even before the symposium – to help the field realize the full potential of pretrial services programs. With support from BJA, the Pretrial Justice Institute is providing training and assistance to stakeholders on pretrial release, bail, and a host of other issues. Through the Pretrial Help Desk, the project has provided almost 100 training sessions and countless technical assistance opportunities, and we've developed a number of publications covering topics like pretrial risk assessment and the law enforcement leader's role in pretrial release and detention.

We've also been closely involved with NAPSA in its work to promote successful pretrial diversion. BJA supported the NAPSA survey of pretrial programs and practices, and we funded a report on promising practices in pretrial diversion. And in May, BJA participated in the National Symposium on Pretrial Diversion organized by NAPSA and the National Institute of Corrections. We received great feedback from that meeting on how we can help promote successful diversion programs nationwide.

And our National Institute of Justice and Bureau of Justice Statistics are working to identify effective pretrial diversion practices and to provide statistical foundations for further pretrial justice refinements. These efforts respond directly to recommendations from symposium participants to provide a broader base of research and data for pretrial services.

So we've been working hard to promote effective practices and better pretrial decision-making, and we've done it in partnership with leaders like NAPSA and PJI. But we've got a lot more to do. The fact is, comprehensive pretrial services are still not widely available. Only about a third of the nation's 3,000 counties are served by dedicated pretrial service programs.

And pretrial practices don't consistently rely on the evidence. Too often, bail is set based on an unwarranted fear of flight. Public safety is not always the primary factor in these decisions. And, as you know too well, the ones who get penalized the most are the ones who can least afford it.

We need to continue our march away from a system based on money and move to one predicated on assessing risk. We know it can be done. Right here in D.C., the Superior Court holds only about 15 percent of pretrial defendants without bond. The remaining 85 percent are released. And yet the vast majority – almost 90 percent – remain arrest-free and return to court.

We need to expand this approach. Last year, BJA began supporting an effort in six Florida counties to create a validated risk assessment instrument that will be available across the state. We did something similar in Colorado. BJA and our National Institute of Justice also worked together with Tim’s organization to bring together researchers to examine evidence-based risk prediction, and they produced a great report that outlines the state of the science in this area. The fact is, validated pre-trial risk assessments are within the reach of every community, and these and other evidence-based tools produce better outcomes than standard bond schedules.

And we need to help our leaders and legislators overcome their fear that pretrial services is just another added public expense. The truth is, the average cost of county pretrial services supervision is less than \$10 a day. When you consider that two-thirds of all county jail inmates are defendants awaiting trial – at an annual cost of roughly nine billion taxpayer dollars – the investment in these programs is well worth it.

So a big part of our charge is to educate, to help policymakers and the public understand the value of focused pretrial services. This is something we all have to do together. As Attorney General Holder has made clear, only by pooling our ideas, our resources, and our energies is genuine pretrial reform possible. But as he also said, by collaborating and “raising the profile of this work,” we can ignite “a movement for meaningful change.”

I’m proud that OJP has been part of this work – and proud that we have been your partners. I look forward to continuing our work together, and I look forward to a day when smart and effective pretrial services are the standard in every community.

Thank you.

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